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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA (LAS VEGAS)**

JEANNE LLERA and JORGE L.
GOMEZ, as the appointed co-special
administrators of the estate of JORGE A.
GOMEZ; JEANNE LLERA; and JORGE
L. GOMEZ,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; RYAN FRYMAN; DAN
EMERTON; VERNON FERGUSON;
ANDREW LOCHER; and DOES 1-10,
inclusive,

Defendants.

Case No. 2:20-cv-01589-RFB-BNW

[Honorable Brenda Weksler]

**STIPULATION AND ORDER TO
EXTEND DISCOVERY CUTOFF**

(SEVENTH REQUEST)

1 Pursuant to LR 6-1 and LR 26-4, Plaintiffs, by and through their counsel of
2 record, Eric Valenzuela, Esq., of Law Offices of Dale K. Galipo; Defendants
3 LVMPD, Ofc. Fryman, Ofc. Emerton, Ofc. Ferguson and Ofc. Locher (“LVMPD
4 Defendants”), by and through their counsel of record, Craig R. Anderson, Esq., of
5 Marquis Aurbach; and Defendant Officer John Squeo (“Defendant Squeo”), by and
6 through his counsel of record, Daniel R. McNutt, Esq. of McNutt Law Firm, P.C.,
7 hereby stipulate and request that this Court extend the discovery deadlines in the
8 above-captioned matter sixty (60) days, up to and including May 18, 2022. In support
9 of this stipulation and request, the parties state as follows:
10
11

12 **I. PROCEDURAL HISTORY**

13
14 1. On August 29, 2020, the Plaintiffs filed their Complaint. ECF No. 1.

15 2. On October 1, 2020, the LVMPD Defendants filed their Answer to Plaintiffs’
16 Complaint. ECF No. 11.

17
18 3. On November 20, 2020, this Court entered the Discovery Plan and
19 Scheduling Order. ECF No. 14.

20
21 4. On February 17, 2021, Plaintiffs filed their First Amended Complaint in this
22 matter. ECF No. 21. The First Amended Complaint named a new defendant – John
23 Squeo.

24
25 5. On March 3, 2021, Defendants LVMPD, Fryman, Emerton, Ferguson and
26 Locher filed their Answer to Plaintiffs’ First Amended Complaint. ECF No. 25.
27
28

1 6. On March 17, 2021, new Defendant John Squeo filed his Answer to
2 Plaintiffs' First Amended Complaint. ECF No. 29. Defendant Squeo is represented by
3 new counsel and this Answer marked his first appearance in this litigation.
4

5 **II. DISCOVERY COMPLETED TO DATE**

6 1. The original parties participated in the FRCP 26 conference on November 13,
7 2020. Defendant Squeo did not participate as he was not named a defendant.
8

9 2. The parties agreed to stipulate to extend the time to serve Rule 26 disclosures
10 until after LVMPD had completed its internal criminal investigation into the subject
11 event and released its internal documents to defense counsel.
12

13 3. On November 20, 2020, the Court entered the Discovery Plan and
14 Scheduling Order. ECF No. 14.
15

16 4. On January 5, 2021, the Plaintiffs served their Initial Disclosures of
17 Witnesses and Documents pursuant to FRCP 26.

18 5. On January 5, 2021, the LVMPD Defendants served their Initial Disclosures
19 of Witnesses and Documents pursuant to FRCP 26.
20

21 6. On January 5, 2021, the LVMPD Defendants served written discovery on all
22 named Plaintiffs.
23

24 7. On January 6, 2021, the Plaintiffs served requests for production of
25 documents on Defendant LVMPD.

26 8. On February 1, 2021, the LVMPD Defendants served their first supplemental
27 disclosure.
28

1 9. On March 5, 2021, Plaintiffs served their responses to the LVMPD
2 Defendants' discovery requests.

3 10. On March 15, 2021, LVMPD served their individual responses to Plaintiffs'
4 written discovery.
5

6 11. On March 15, 2021 LVMPD served their second supplemental disclosure.

7 12. On March 17, 2021, John Squeo served a demand for all prior discovery
8 exchanged.
9

10 13. On March 29, 2021, Plaintiffs served requests for production of documents
11 on Defendant Squeo.
12

13 14. On March 30, 2021, Defendant Squeo provided his initial disclosures.

14 15. In April 2021, plaintiffs took the depositions of LVMPD witness officers
15 Connell, Luoto, Velasco, Oniate, Johnson, Perez, and Borggard.
16

17 16. In April and May 2021, plaintiffs took the depositions of LVMPD
18 defendant officers Locher, Ferguson, Squeo and Fryman.

19 17. On April 7, 2021, Defendant Squeo provided his first supplemental
20 disclosure.
21

22 18. On April 14, 2021, Defendant Squeo served written discovery on Plaintiffs.

23 19. On April 19, 2021, Defendant Squeo provided his second supplemental
24 disclosure.
25

26 20. On April 28, 2021, Defendant Squeo responded to Plaintiffs' written
27 discovery.
28

1 21. On April 29, 2021, the LVMPD Defendants served their third supplemental
2 disclosure.

3 22. On May 6, 2021, the LVMPD Defendants served their fourth supplemental
4 disclosure.
5

6 23. On May 18 and 19, 2021, Plaintiffs responded to Defendant Squeo's written
7 discovery.
8

9 24. On May 26, 2021, the LVMPD Defendants served their fifth supplemental
10 disclosure.
11

12 25. In June and July, 2021, Defendants took the depositions of all named
13 plaintiffs.
14

15 26. On June 2, 2021, Plaintiffs responded to LVMPD Defendants' written
16 discovery.
17

18 27. On June 28, 2021, the LVMPD Defendants served their sixth supplemental
19 disclosure.
20

21 28. On June 29, 2021, Plaintiffs responded to Defendant Squeo's written
22 discovery.
23

24 29. On July 12, 2021, Defendant Squeo provided his third supplemental
25 disclosure.
26

27 30. On July 14, 2021, Defendant Squeo served written discovery on Plaintiffs.
28

 31. On August 10, 2021, the LVMPD Defendants served their seventh
supplemental disclosure.

1 32. On August 11, 2021, Plaintiffs responded to Defendant Squeo' written
2 discovery.

3 33. On August 12, 2021, Plaintiffs served written discovery on Defendant
4 LVMPD.
5

6 34. On August 12, 2021, Plaintiffs responded to Defendant Squeo's written
7 discovery.
8

9 35. On August 16, 2021, LVMPD responded to Plaintiffs' written discovery.

10 36. On August 31, 2021, the LVMPD Defendants and Defendant Squeo served
11 their joint expert disclosure.
12

13 37. On August 31, 2021, the Plaintiffs served their expert disclosure.

14 38. On November 5, 2021, the Plaintiffs served their First Supplemental
15 Disclosure.
16

17 39. On November 10, 2021, the LVMPD Defendants served their Eighth
18 Supplemental Disclosure.
19

20 40. On November 15, 2021, the LVMPD Defendants served their Ninth
21 Supplemental Disclosure.
22

23 41. On November 24, 2021, Defendant Squeo served his Fourth Supplemental
24 Disclosure.
25

26 42. On December 13, 2021, Defendant Squeo served his Fifth Supplemental
27 Disclosure.
28

1 43. On December 15, 2021, the Plaintiffs served their Rebuttal Expert
2 Disclosure.

3 44. On December 14, 2021, the LVMPD Defendants and Defendant Squeo
4 served their Joint Rebuttal Expert Disclosure.
5

6 45. The week of December 13, 2021, Defendant Squeo took the depositions of
7 four (4) LVMPD officers who witnessed portions of the events.
8

9 46. On December 16, 2021, the LVMPD Defendants responded to Plaintiff
10 Llera's Second Set of Requests for Production of Documents.

11 47. On February 10, 2022, the Plaintiffs served their Supplement Disclosures
12 which disclosed three additional witnesses, as well as their responses to discovery
13 propounded by counsel for Defendant Squeo consisting of three sets of interrogatories
14 and one set of requests for production.
15
16

17 48. All parties have retained expert witnesses in this matter.

18 49. All parties have served numerous subpoenas on various third parties.
19

20 **III. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

21 This case involves the June 1, 2020, fatal officer involved shooting of Jorge A.
22 Gomez, Jr. The parties have actively litigated his case for the past year. The parties
23 disclosed initial experts and rebuttal expert reports were submitted on December 14,
24 2021.
25

26 The parties recently agreed to dates to depose both sides of retained experts,
27 however Plaintiffs counsel are scheduled in two back-to-back trials, the first trial, in
28

1 which counsel for Defendants, Craig Anderson will also be participating in, is a trial
2 in the 8th Judicial District of Nevada in a case entitled *Brenes v. LMVPD*, case no A-
3 17-752742-C, set to commence on February 28, 2022. Additionally, counsel for
4 Plaintiffs have just been advised that their case entitled *Flores, et al., v. City of Los*
5 *Angeles, et al.*, case number 2:18-cv-08740-CJC-AS, in the United States District
6 Court, Central District of California, has been set to commence trial on March 8,
7 2022.
8
9

10 **IV. REMAINING DISCOVERY**

11 1. Plaintiffs need to take the depositions of the Defendants' police practices
12 expert, medical experts and rebuttal experts.
13

14 2. Defendants need to take the depositions of the Plaintiffs' police practices
15 expert, medical expert, and rebuttal experts.
16

17 This section does not limit the parties' ability to conduct other discovery.

18 **V. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND** 19 **SCHEDULING ORDER** 20

21 LR 26-4 governs modifications of extensions of the Discovery Plan and
22 Scheduling Order. Any stipulation or motion must be made no later than twenty-one
23 (21) days before the expiration of the subject deadline, and comply fully with LR 26-
24

25 4. The parties are submitting this request twenty-one (21) days before the expert
26 deadline disclosure. Therefore, the parties respectfully request that the modification of
27
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a scheduling order be granted. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	March 18, 2022	May 18, 2022
Dispositive Motions	April 14, 2022	June 15, 2022
Pre-Trial Order	May 18, 2022	July 18, 2022

This request for extension of time is not sought for any improper purpose or for purposes of delay. Due to firm trial settings and the availability of expert witnesses, it has proven difficult to complete the remaining discovery in the current time period.

WHEREFORE, the parties respectfully request that this court extend the discovery dates as outlined in accordance with the table above.

IT IS SO STIPULATED this 11th day of February, 2022.

MARQUIS AURBACH COFFING

LAW OFFICES OF DALE K. GALIPO

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 Attorneys for Plaintiffs

By: s/ Matthew C. Wolf
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 Attorneys for Defendant

ORDER

IT IS SO ORDERED

DATED: 12:22 pm, February 14, 2022



BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367.

I hereby certify that on February 11, 2022, a true and correct copy of the following document **STIPULATION AND ORDER TO EXTEND DISCOVERY CUTOFF** was served via CM/ECF upon:

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Counsel for Defendant John Squeo

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

By: /s/ Karen Slyapich
An Employee of Law Offices of Dale K. Galipo